

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSHUA G. FRANKLIN SR.,

Plaintiff,

v.

JOHN ACKERMAN, et al.,

Defendant.

CASE NO. 3:21-cv-05071-RSM-BAT

**ORDER DIRECTING EACH PARTY
TO SUBMIT A PROPOSED TRIAL
DATE**

On September 21, 2021, the Honorable Ricardo S. Martinez issued an order that dismissed (1) Plaintiff's Due Process claims related to the grievance process; (2) and Plaintiff's constitutional claims regarding inadequate medical care and his state law claims regarding intentional infliction of emotional distress and medical negligence made against John Ackerman and C. Hackney. Dkt. 22. The Court found the constitutional claims of inadequate medical care and state law claims of intentional infliction of emotional distress and negligence against K. Vandenberg, A. Rice, M. Paulus, and Kerri Taft should proceed. *Id.*

The Court earlier set due dates to complete discovery and file dispositive motions. Those dates have now lapsed and the Court therefore ORDERS:

1. **Each party shall file a separate memorandum** with a proposed date or dates or trial and indicate the estimated length of trial. Each party must file its memorandum no later

1 than **October 18, 2021**.

2 2. Each party's separate memorandum shall advise the Court if there are any other
3 matters to address, such as whether the parties seek to explore settlement and whether the parties
4 will request appointment of a *pro bono* settlement lawyer.

5 3. Each party should also advise whether they wish to consent to Magistrate Judge
6 Tsuchida to preside over this case. Consent to a magistrate judge is voluntary and entirely up to
7 the parties. If consent is given, Magistrate Judge Tsuchida will preside over the entire case,
8 including all pretrial motions, the trial, and entry of judgment.

9 DATED this 4th day of October, 2021.

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13 BRIAN A. TSUCHIDA
14 United States Magistrate Judge
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